

UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN

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In re:

PATRICK J. WALKER,

Debtor.

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Case No. BG 19-03843  
Chapter 7

ERIC CORDEIRO SPINETTI S.R. MATTA &  
FERNANDA QUINTANILHA,

Plaintiffs,

Adversary Proceeding  
No. 19-80129

-vs-

PATRICK J. WALKER,

Defendant.

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**FIRST PRETRIAL ORDER**

A first pretrial conference respecting the above adversary proceeding took place in Grand Rapids, Michigan, on February 6, 2020. Appearing at the pretrial conference were:

Jeffrey Steinport, Esq., attorney for Plaintiffs.

Patrick J. Walker, pro se Defendant.

Plaintiff, Eric Cordeiro Spinetti S.R. Matta, was also present at the pretrial conference.

**Jurisdiction**

Jurisdiction exists pursuant to 28 U.S.C. § 1334. This matter is a core proceeding pursuant to 28 U.S.C. § 157(b)(2)(I) (determinations as to the dischargeability of particular debts) and (J) (objections to discharge).

The Plaintiffs have consented to this bankruptcy court entering a final order. See Complaint, AP Dkt. No. 1, at ¶ 8. The court will discuss the Defendant's consent or

objection to this court's entry of a final order with the Defendant and/or his counsel at the Second Pretrial Conference.

### Issues

1. Is the debt owed by the Defendant to the Plaintiffs under the state court judgment nondischargeable under 11 U.S.C. § 523(a)(2)(A) because it was obtained by false pretenses, false representations, or actual fraud? If so, what is the amount of the nondischargeable debt?
2. Should the Defendant be denied a discharge under 11 U.S.C. § 727(a)(3) because he concealed, destroyed or failed to keep records of his business transactions involving the sale of automobiles?
3. Should the Defendant be denied a discharge under 11 U.S.C. § 727(a)(4)(A) because he knowingly and fraudulently made a false oath or account in his bankruptcy case by failing to disclose his business operations and associated income and by misrepresenting his tax liability?
4. The Defendant denies making any misrepresentations to the Plaintiffs regarding the vehicle and denies that he was ever in the business of buying and selling cars.

### Pleadings

If the Defendant retains counsel, the court will likely require him to amend his answer. Any necessary amendments to the pleadings shall be discussed at the Second Pretrial Conference.

### Discovery

Discovery in this adversary proceeding shall not commence until **March 5, 2020**.

After discovery commences, it shall remain open until further order of the court. A deadline for the completion of discovery will likely be established at the Second Pretrial Conference.

### Discovery Motions

The court will not consider motions related to contested discovery unless, prior to the filing of the motion, the parties have conferred, through direct dialogue and discussion either in person or by telephone, and attempted to resolve their differences in good faith.

Any discovery motion filed with the court shall include a statement of compliance with this requirement. The statement must contain sufficient facts to allow the court to evaluate the adequacy of the parties' compliance or noncompliance with the meet and confer requirement. Failure to satisfy the meet and confer requirement and/or failure to include a statement of compliance with the discovery motion may result in denial of the motion.

Settlement and Facilitative Mediation

The court encourages settlement. The potential use of Alternative Dispute Resolution will be discussed at the Second Pretrial Conference.

Rule 7026(f) Conference & Discovery Plan

A deadline for conducting the conference required by Fed. R. Bankr. P. 7026(f) and for filing a joint discovery plan shall be established at the Second Pretrial Conference.

Subsequent Pretrial Conference Date

A second pretrial conference will be held on **March 5, 2020**, at **2:00 p.m.** at the United States Bankruptcy Court, One Division Avenue North, Courtroom B, Grand Rapids, Michigan.

IT IS FURTHER ORDERED that the Clerk shall serve a copy of this Order pursuant to Fed. R. Bankr. P. 9022 and LBR 5005-4 upon:

Jeffrey Steinport, Esq.

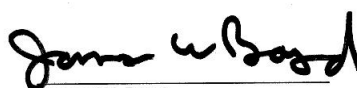
Patrick J. Walker  
2717 Mulford Dr. S.E.  
Grand Rapids, MI 49546

END OF ORDER

**IT IS SO ORDERED.**

Dated February 13, 2020



  
James W. Boyd  
United States Bankruptcy Judge